

MONTANA LEGISLATIVE HISTORY

Chapter 156 19 73

Bill H _____ S 269 Original bill & history ____c

H. Committee on Judiciary

Hearing Date(s) 2-20 ☒ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Judiciary

Hearing Date(s) 2-6 ☒ c

_____ c

_____ c

_____ c

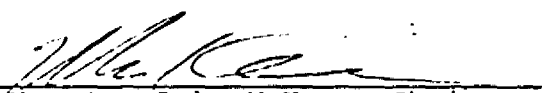
Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

February 6--continued

- SB 154 Sen. Turnage moved this bill do pass; Sen. Harrison seconded the motion; and the committee voted this bill DO PASS.
- SB 268 Sen. Turnage moved this bill do not pass; Sen. Hall seconded the motion; and the committee voted this bill DO NOT PASS.
- SB 269 Sen. Turnage moved this bill do pass; Senator Harrison seconded the bill; and the committee voted this bill DO PASS.



Senator Luke McKeon, Chairman



The Big Sky Country

MONTANA STATE SENATE

February 6, 1973

Judiciary Committee
Montana Senate
Helena, Montana 59601

Lady & Gentlemen:

We your sub-committee on bills relating to ~~sub-divisions~~ and zoning respectfully report as follows:

That Senate Bill 208 be amended in accordance with the amendments attached hereto and that as amended do pass.

That Senate Bill 173 requiring registration of lands proposed to be sub-divided do not pass.

That Senate Bill 172 relating to realtors do not pass.

That Senate Bill 154 repealing emergency zoning authorization do pass.

That Senate Bill 268 establishing a State Board of Land Review for appeal of local zoning decisions do not pass.

That Senate Bill 269 relating to housing study to be contained in master plan do pass.

That Senate Bill 267 relating to freedom of choice to select housing be amended and that the amendments be submitted at a later date.

Respectfully submitted,

Jean Turnage
SENATOR JEAN TURNAGE

Jim Moore
SENATOR JIM MOORE

Paul Boylan
SENATOR PAUL BOYLAN

Attachments
JT:bbl

1973

HOUSE

JUDICIARY

COMMITTEE

97th Legislative Assembly
43rd

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB 570	Submitting to the qualified electors of Montana an amendment of the constitution of Montana reinstating biennial, etc.	5/8/73	5/7/73		5/9/73	Do Not Pass	Killed
SB 154	Eliminating emergency temporary interim zoning.	2/13/73	2/21/73		2/22/73	Be Not Concurred In	Killed
SB 269	To require that a master plan include a study of available types of new housing.	2/13/73	2/20/73		2/20/73	Be Concurred In As amended	Signed by Governor
SB 334	Transferring responsibility for indexing laws of Mt. from law librarian to legislative services division	2/15/73	2/19/73		2/20/73	Be Concurred In	Signed by Governor
SB 436	Voluntary payment of personal injury or property damage claims without such payment constituting an, etc.	2/13/73	2/20/73		2/23/73	Be Concurred In	Signed by Governor
SB 441	Probate of estates--remove requirements of residency and minority in.	2/13/73	2/20/73		2/23/73	Be Concurred In	Signed by Governor

February 20, 1973

JUDICIARY COMMITTEE

The thirty sixth meeting of the House Judiciary Committee was called to order in Committee Room 436 of the Capitol Building at Helena, Montana on Tuesday, February 20, 1973 at 9:00 a.m. **Representative John C. Hall, Chairman, presided. All members were present except Representative Greely, absent, and Representative Marbut, absent, excused.**

Chairman Hall opened the meeting, stating committee would take up for hearing Senate Bills 269, 436, 441 and 424.

SENATE BILL 424 Senator Larry Aber, District #7, chief sponsor, summarized this bill pertaining to false mining claims. He then introduced Mr. Larry Huss, representing the office of the attorney general as an expert on this bill. Mr. Huss testified the attorney general's office during the past two years had been deluged with complaints on Meryl Zweiffel who stakes out entire counties. Staking and filing in this state are slipshod at best. Proposed bill is almost a verbatim copy of bill submitted by attorney general in Nevada. Stated this bill does not cure problems on land already staked out in Eastern Montana. Senate passed this bill unanimously and urged the house to pass it also. No opponents to bill. Following questions from the committee the hearing was closed.

SENATE BILL 269 Senator Jean A. Turnage, District #17, chief sponsor, stated this bill is an amendment to the existing code section relating to contents of master plan in building areas. Only changes are on pages one and two. Proponent Ross Cannon, representing Montana Mobile Homes Association, testified there were many people who requested this bill. Went into background of mobile homes and quoted statistics on types of housing and other figures regarding housing. Not talking about presently zoned areas but areas to be taken into zoning consideration. Also present as proponents to Senate Bill 269 were Walter Saushajus and Erv Sorensen, both representing Montana Mobile Homes Association. Opponent Dean Zinnicker, representing Montana Association of County Commissioners, testified that zoning merely requires housing should be included in area plan. Very brief testimony. No other opponents. Following questions from committee members the hearing was closed.

SENATE BILL 436 Senator Jean A. Turnage, District #17, summarized this bill, stating there had been another similar bill in the Senate and that the Senate selected this bill as thought it might be better drafted. Legislation proposed is to provide authorization for some one faced with claim for damages to make payment without fear will be an admission of liability. Feels bill will be a useful tool. John W. McDonald, representing Mountain Bell, urged passage of this bill. Following brief questioning from committee the hearing was closed.

SENATE BILL 441 Senator Jean A. Turnage, District #17, chief sponsor, summarized, stating this is his bill and the idea was to provide a summary method of probate in estates of less than \$10,000. Makes probate proceedings applicable to surviving spouse and minors whether residents or not. No other proponents and no opponents. Following questions from the committee during which Representative Lucas stated he feels this is a good amendment the hearing was closed.

SENATE BILL 225 Chairman Hall summarized this bill. Representative Towe moved BE CONCURRED IN. Representative Baucus seconded. Motion carried unanimously. Representative Towe will carry.

SENATE BILL 324 Chairman Hall summarized this bill sponsored by Senator Hazelbaker transferring the indexing of the laws of Montana from the law librarian to legislative services division. Representative Lucas moved BE CONCURRED IN. Representative Baeth seconded. Motion carried unanimously. Representative Lucas will carry.

SENATE BILL 6 This bill concerning sovereign immunity was previously heard on Monday, February 19, 1973. Representative Lucas moved BE CONCURRED IN. Representative Baucus seconded. Representative Roberts questioned on page 3, line 4 the referral to causes of action and stated under new rules no such thing as cause of action. Representative Lucas made a substitute motion to amend on page 3, line 4 after the word "to" by adding the new material "claims for relief and", and AS AMENDED BE CONCURRED IN. Motion carried unanimously. Representative Bell will carry.

SENATE BILL 424 Senator L. W. Aber, District #7, chief sponsor, summarized this bill earlier in meeting today regarding the filing of false mining claims. Representative Lucas moved BE CONCURRED IN. Representative Baucus seconded. Representative Roberts moved to amend penalty provision on line 21 by changing the period of time from five years to one year and also to amend on line 22 by changing the fine from \$5,000 to \$1,000. Representative Towe seconded. Representative Roberts explained he feels the penalty would be cumulative and is thinking of the small miner. Discussion ensued. Motion to amend failed with Representatives Towe, Baeth and Roberts voting yes. Committee reverted to original motion of Representative Lucas BE CONCURRED IN. Motion carried unanimously. Representative Lucas will carry.

SENATE BILL 269 Following brief summary of bill heard earlier in meeting today, there was much discussion among committee members. Representative Towe moved to amend bill (see exhibit of amendments attached) with the idea to call attention to special area and that it is permissible. Representative Lucas seconded. Motion to amend carried with Representatives Bell and Baeth voting no. Representative Towe moved AS AMENDED BE CONCURRED IN. Representative Lucas seconded. Motion carried with Representative Hall voting no.

February 20, 1973

HOUSE COMMITTEE ON JUDICIARY AMENDMENT TO SENATE BILL NO. 269

Be amended on page 1, section 1, line 16 of the blue senate bill after the words "which plan" by reinserting the word "may" and deleting the word "shall", and

Be further amended on page 1, section 1, line 16 of the blue senate bill after the word "include" by reinserting the punctuation mark ";" and deleting the words "a housing", and

Be further amended on page 1, section 1, lines 17 through 25 in the blue senate bill by deleting all of lines 17 through 25 in their entirety, and

Be further amended on page 2, section 1, lines 1 through 5 in the blue senate bill by deleting all of lines 1 through 5 in their entirety, and

Be further amended on page 4, section 1 in the blue senate bill by adding at the end of bill a new subsection reading as follows:

"5. Recommendations setting forth the development, improvement, and extension of areas, if any, to be set aside for use as trailer courts and sites for mobile homes."

NAME

Russ Conrad

BILL NO

SB269

ADDRESS

1st Sec. Bldg

DATE

WHOM DO YOU REPRESENT?

Mont. Mobile Home Assoc

SUPPORT?

☒

OPPOSE?

AMEND?

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME FRV SORNGEN BILL No. SB 269

ADDRESS 2970 PROSPECT AVE DATE _____

HELGAN, MONT

WHOM DO YOU REPRESENT? MONTANA MOBILE HOMES ASSN.

SUPPORT? ☒ OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Ed Sorenson Helgan

NAME 1'oth: Gausley

SB-269
BILL NO. 400

ADDRESS Weyman, Kent.

DATE Feb 20, 1973

WHOM DO YOU REPRESENT? Mont Mobile area

SUPPORT? X OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME

Dean Zinscher

ROLL NO. SB 269

ADDRESS

1802 - 11th Ave.

DATE 2-20-73

Helen

WHOM DO YOU REPRESENT?

Wb. Assoc. of Co. Comm.

SUPPORT? _____

OPPOSE? _____

☒ AVOID? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMITTEE

43 rd LEGISLATIVE SESSION 1973

DATE	7/4	7/4	7/5	7/10	7/11	7/12	7/20	7/21	7/22	7/23	7/26	7/26	7/27	7/28	7/31	7/5
HALL, John C., Chem.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
YARDLEY, DAN, V.Chem.	✓	✓	✓	✓	✓	✓	135	✓	✓	✓	✓	✓	✓	✓	✓	✓
BATE, William P.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
BAUCUS, Max S.	✓	✓	✓	✓	✓	✓	✓	E	E	✓	✓	✓	E	✓	✓	✓
BELL, John F.	E	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
BROWN, Robert J.	✓	✓	✓	✓	✓	✓	✓	E	✓	✓	✓	✓	✓	✓	✓	✓
GREELY, Michael T.	A	A	✓	✓	A	✓	✓	✓	✓	✓	✓	A	A	A	✓	✓
LUCAS, James P.	✓	E	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
MARLET, Gary R.	✓	✓	✓	✓	✓	E	✓	✓	✓	✓	✓	✓	✓	✓	E	✓
McKITTRICK, Pat	✓	E	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ROBERTS, Joe R.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
TOWE, Thomas E.	✓	E	✓	✓	✓	✓	135	✓	✓	✓	✓	✓	E	✓	✓	✓
WARFIELD, Bill	✓	✓	E	✓	✓	✓	✓	✓	E	✓	✓	A	✓	✓	✓	✓

not be payable for a greater number of weeks than is specified in section 92-709 for the loss of the member.

Section 2. Section 92-703, R.C.M. 1947, is repealed.

Approved: March 6, 1973.

CHAPTER NO. 156

An Act Amending Section 11-3831, R.C.M. 1947, to Require That a Master Plan Include a Study of Available Types of New Housing.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11-3831, R.C.M. 1947, is amended to read as follows:

"11-3831. **Master plan—contents.** The planning board shall prepare and propose a master plan for the jurisdictional area, which plan may include;

1. Careful and comprehensive surveys and studies of existing conditions and the probable future growth of the city and its environs or of the county.

2. Maps, plats, charts, and descriptive material presenting basic information, locations, extent and character of any of the following:

- a. History, population, and physical site conditions;
- b. Land use, including the height, area, bulk, location and use of private and public structures and premises;
- c. Population densities;
- d. Community centers and neighborhood units;
- e. Blighted and slum areas;
- f. Streets and highways, including bridges, viaducts, subways, parkways, alleys, and other public ways and places;
- g. Sewers, sanitation, and drainage, including handling, treatment, and disposal of excess drainage waters, sewage, garbage, refuse, and other wastes;
- h. Flood control and prevention;
- i. Public and private utilities, including water, light, heat, communication, and other services;

j. Transportation, including rail, bus, truck, air, and water transport, and their terminal facilities;

k. Local mass transit, including motor and trolley bus, street, elevated or underground railways, and taxicabs;

l. Parks and recreation, including parks, playgrounds, reservations, forests, wildlife refuges, and other public grounds, spaces, and facilities of a recreational nature;

m. Public buildings and institutions, including governmental administration and service buildings, hospitals, infirmaries, clinics, penal and correctional institutions, and other civic and social service buildings;

n. Education, including location and extent of schools, colleges, and universities;

o. Land utilization, including areas for manufacturing, and industrial uses, concentration of wholesale, retail business, and other commercial uses, residential, and areas for mixed uses;

p. Conservation of water, soil, agricultural, and mineral resources;

q. Any other factors which are a part of the physical, economic, or social situation within the city or county.

3. Reports, maps, charts, and recommendations setting forth plans for the development, redevelopment, improvement, extension, and revision of the subjects and physical situations of the city or county set out in part 2 of this section so as to substantially accomplish the object of this legislation as set out in section 11-3801.

4. A long-range development program of public works' projects, based on the recommended plans of the planning board, for the purpose of eliminating unplanned, unsightly, untimely, and extravagant projects and with a view to stabilizing industry and employment, and the keeping of such program up-to-date, for all separate taxing units within the city or county, respectively, for the purpose of assuring efficient and economic use of public funds.

5. *Recommendations setting forth the development, improvement, and extension of areas, if any, to be set aside for use as trailer courts and sites for mobile homes."*

Approved: March 6, 1973.

CHAPTER NO. 157

An Act to Provide Procedures for the Amendatory Veto in Accord-